

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**FORTUNA CANNERY, LLC,**

Plaintiff,

Case No. 3:21-cv-00458-YY

v.

OPINION AND ORDER

**WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY, a foreign  
corporation,**

Defendant.

**MOSMAN, J.,**

On February 2, 2022, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F. & R.”) [ECF 30]. Judge You recommends I grant Defendant’s motion for summary judgment and dismiss this case with prejudice. Objections were due on March 2, 2022, but none were filed. I agree with Judge You.

**STANDARD OF REVIEW**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge You's recommendations, I ADOPT her F. & R. [ECF 30] as my own opinion. I GRANT Defendant's Motion for Summary Judgment [ECF 21] and DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 4<sup>th</sup> day of March, 2022.

  
MICHAEL W. MOSMAN  
Senior United States District Judge